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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/818,823      | 03/27/2001  | Henry Kopf III       | 2780-183            | 9987             |

23448 7590 10/09/2002

INTELLECTUAL PROPERTY / TECHNOLOGY LAW  
PO BOX 14329  
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

SAVAGE, MATTHEW O

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1723

DATE MAILED: 10/09/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/818,823

Applicant(s)

KOPF, HENRY

Examiner

Matthew O Savage

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 14, 15, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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Applicant's election with traverse of group I, the species shown in FIG. 1, the species including silicone, and the species including moulding in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the particulars of claims 2-16 of the subcombination cannot be used as a basis for restriction. This is not found persuasive because the limitation of all of the claims are group into a whole for restriction purposes.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kopf '930 in view of Demmer et al and/or Karbachsch et al.

With respect to claim 1, Kopf discloses all of the details of claim 1 with the exception of at least one thin gasket layer bonded to a surface of the filtration cassette, wherein the thin gasket layer comprises an elastic material for forming a fluid tight seal between the filtration cassette and adjacent structure engaged therewith. Both Demmer et al (see FIG. 3, element 3) and Karbachsch et al (see FIG.2, element 90) disclose at least one thin gasket layer bonded to a surface of the filtration cassette, the thin gasket layer comprises an elastic material for forming a fluid tight seal between the filtration cassette and adjacent structure engaged therewith. It would have been obvious to have

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modified the cassette of Kopf so as to have included the gasket layer as suggested by Demmer et al and Karbachsch et al in order to provide fluid tight seal between the cassette and adjacent structure.

Concerning claims 2-3, both Demmer et al and Karbachsch et al disclose gasket layers including an elastomeric material but fail to specify the specific durometer ranges, however, such a modification would have been obvious in order to optimize the strength of the gasket for a particular application.

Regarding claims 4-5, Demmer et al and Karbachsch et al fail to specify the recited thickness values, however, such a modification would have been obvious in order to provide a proper seal for a given seal surface condition of the adjacent structure.

Regarding claims 6-7, Demmer et al and Karbachsch et al fail to specify the recited temperature resistance ranges, however, such a modification would have been obvious in order to optimize the cassette for a particular application.

As to claim 8, Demmer et al and Karbachsch et al both disclose the gasket layer as encapsulating the cassette.

Concerning claims 10 and 11, Karbachsch et al disclose silicone (see line 13 of col. 6).

Regarding claims 12 and 13, Karbachsch et al disclose molding (see lines 8-18 of col. 8).

As to claim 16, Kopf discloses the recited ports.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*M. Savage*  
Matthew O Savage  
Primary Examiner  
Art Unit 1723

mos  
October 8, 2002